

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 2/19/09

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COREY ENGLAND & MIDWEST GEMS, :

Plaintiffs, :

04 Civ. 2370 (DAB) (AJP)

-against- :

ORDER OF DISMISSAL ON CONSENT

MAT BROTHERS DIAMONDS, INC. :

Defendant. :

----- x
ANDREW J. PECK, United States Magistrate Judge:

The parties having informed the Court that they have reached a settlement agreement in principle and are finalizing settlement documents (see attached letter), IT IS HEREBY ORDERED THAT this action is dismissed with prejudice and without costs, provided, however, that any party may reinstate the action within 30 days hereof if the settlement is not fully effectuated. Any pending motions are to be terminated as moot.

SO ORDERED.

DATED: New York, New York
February 19, 2009



Andrew J. Peck
United States Magistrate Judge

Copies **by fax & ECF** to: Jacqueline A. Criswell, Esq.
Max Moskowitz, Esq.
Judge Deborah A. Batts

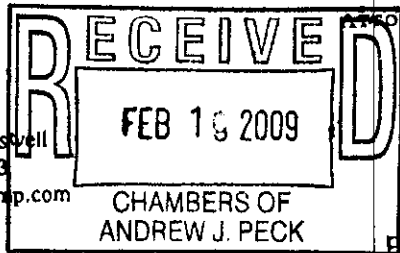


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February 18, 2009

VIA U.S. MAIL AND FAX – (212) 805-7933

The Honorable Andrew J. Peck
Magistrate Court Judge
The United States District Court
Southern District of New York
500 Pearl Street, Room 1370
New York, NY 10007-1312

Re: *Corey England and Midwest Gems v. Mat Brothers Diamonds, Inc.*
Case No. 04 CV 2370
Our File No. 7881-1

Dear Judge Peck:

Last week counsel advised your clerk that the parties had reached a settlement in principle between Corey England and Midwest Gems, Inc. and Mat Brothers Diamond, Inc. Pursuant to your clerk's request, this letter confirms the agreement of the parties, including my client Mr. England and Midwest Gems, that a dismissal order be entered with leave to reopen within 30 days if the settlement is not finalized.

This also confirms that the status conference that was scheduled for this Monday, February 23, 2009 is cancelled.

Very truly yours,

Jackie A. Criswell

JAC:las:339971

Enclosures

cc: Max Moskowitz (via fax – (212) 382-0888)

BOLINGBROOK, ILLINOIS

LOS ANGELES, CALIFORNIA

WHEATON, ILLINOIS

NEWARK, NEW JERSEY

ORANGE COUNTY, CALIFORNIA

NEW YORK, NEW YORK